

PROB. 12B
(7/93)

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN FOR
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 12 2007

at 12 o'clock and 20 min. P.M. S
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: AARON AKINA, aka "Ola" Case Number: CR 03-00496HG-08

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor
Chief U.S. District Judge

Date of Original Sentence: 5/19/2005

Original Offense: Conspiracy to Possess With Intent to Distribute in Excess of
50 Grams of Methamphetamine, in violation of 21 U.S.C. §§ 841(a)
and 846, a Class A felony

Original Sentence: Fifty-one (51) months imprisonment, to be followed by a 5-year
term of supervised release. The following special conditions were
also imposed: (1) That the defendant participate in a substance
abuse program, which may include drug testing at the discretion
and direction of the Probation Office; (2) That the defendant
provide the Probation Office access to any requested financial
information; and (3) That the defendant shall submit his person,
residence, place of employment or vehicle to a search conducted
by the U.S. Probation Office at a reasonable time and in a
reasonable manner, based upon reasonable suspicion of
contraband or evidence of a violation of a condition of supervision.
Failure to submit to a search may be grounds for revocation. The
defendant shall warn any other resident that the premises may be
subject to search pursuant to this condition.

Type of Supervision: Supervised Release Date Supervision Commenced: 6/27/2007

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

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General Condition	That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.
Special Condition No. 1	That the defendant shall participate in and comply with substance abuse treatment, which includes drug and alcohol testing in a program approved by the Probation Office and which may include residential treatment. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

CAUSE

The subject commenced his term of supervised release on 6/27/2007. During his initial two (2) months on supervision, the subject has been compliant with the supervision requirements.

Despite his satisfactory compliance with supervision conditions, the subject has a history of illegal substance abuse, including the use of marijuana, "crack" cocaine, and crystal methamphetamine. At the time he committed the instant offense, the subject reported that he was smoking as much as an eighth ounce of crystal methamphetamine per day and had been doing so for as long as three (3) years.

On 8/29/2007, after this officer reviewed with the subject his rights to a hearing and to counsel, the subject agreed to waive those rights and to modify his conditions of supervised release in order to permit the Probation Office to administer drug tests, pursuant to the requirements of United States v. Stephens, 424 F.3d 876 (9th Cir. 2005). He also agreed to amend the substance abuse treatment language in his special condition to reflect the revised language adopted by this district.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The

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subject's court-appointed attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "J. Martin Romualdez", followed by a horizontal line.

J. MARTIN ROMUALDEZ
U.S. Probation Officer

Approved by:

A handwritten signature in cursive script, appearing to read "Timothy M. Jenkins", followed by a horizontal line.

TIMOTHY M. JENKINS
Supervising U.S. Probation Officer


Date: 8/29/2007

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



HELEN GILLMOR
Chief U.S. District Judge
9.7.07

Date

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United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Supervised Release

AA I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

AA I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release:

AA [X] To modify the conditions of supervision as follows:

AA General Condition That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision (mandatory condition).

AA Special Condition 1 That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office and which may include residential treatment. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

Witness:

J. Martin Romualdez
J. MARTIN ROMUALDEZ
U.S. Probation Officer

Signed:

Aaron Akina
AARON AKINA, aka "Ola"
Supervised Releasee

8/29/07
Date